



1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951
302 984 6000

www.potteranderson.com

Richard L. Horwitz
Partner
Attorney at Law
rhorwitz@potteranderson.com
302 984-6027 Direct Phone
302 658-1192 Fax

April 5, 2011

VIA ELECTRONIC FILING

The Honorable Leonard Stark
United States District Court
844 King Street
Wilmington, DE 19801

Re: *Personalized User Model, LLP v. Google Inc., C.A. No. 09-00525-LPS*

Dear Judge Stark:

Google's March 31, 2011 letter asks that PUM be ordered to produce documents reflecting the consideration paid for and/or any value attributed to the patents-in-suit. (D.I. 229.) PUM opposes producing such documents, stating they are not relevant to the case. (D.I. 232.) Google respectfully files this letter to supplement its March 31 letter with new facts on this dispute that came to light after it submitted its letter.

In its letter, Google pointed out that the documents it seeks are relevant to rebut PUM's likely argument that the patents-in-are suit not invalid as obvious, because they are extremely important and valuable, and a commercial success. PUM's April 1 supplemental response to Google's Interrogatory No. 3 demonstrates this is precisely what PUM intends to argue. (Ex. 1.) For example, PUM identifies as purported evidence of non-obviousness "the pioneering nature of the asserted patents is further evidence of their non-obviousness as is the interest of others in purchasing the patented technology from Utopy" and "the success of Utopy in attracting investment and developing its product(s)." (*Id.* (emphasis added)). The documents Google seeks, which may show the patents' previous owners attributed little or no value to the patents and potentially even gave the patent away for free, are relevant to rebut these arguments.

Respectfully,

/s/ Richard L. Horwitz

Richard L. Horwitz

RLH/nmt/1007644/34638

Enclosure

cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic mail)